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JUN 16 2006
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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAN PORTFOLIO SERVICES INC.

CIVIL ACTION NO. 05-1761

versus

JUDGE STAGG

CASAIC OFFSET & SILKSCREEN,
INC., ET AL.

MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

MAN Portfolio Services Inc. ("MAN") sold a commercial printing press to Casaic Offset & Silkscreen, Inc. ("Casaic") in exchange for Casaic's promissory note. The note was secured by a security interest in the printing press and a personal guaranty of Richard Glenn Connell ("Mr. Connell").

Casaic defaulted on the note, and MAN retained its current counsel to represent it in a collection effort. Counsel made written demand and began researching the issues and drafting pleadings related to this civil action and the related writ of sequestration. This action was filed about two months later, and counsel for MAN participated in conferences with the court, the U. S. Marshal and opposing counsel related to the litigation and efforts to settle it. MAN prepared and filed a motion for summary judgment on its claims against Casaic, but Casaic filed bankruptcy soon afterward. MAN then proceeded to obtain a default judgment against Mr. Connell for \$752,921.24, plus interest, costs to be taxed by the clerk of court, and reasonable attorney's fees and expenses to be assessed by motion.

MAN has now filed a Motion for Attorney's Fees and Expenses (Doc. 31) that seeks \$20,373.00 for attorney's fees and \$620.29 for related expenses incurred in prosecuting this action. The basis for the request is a provision in Casaic's note that it shall be liable for all expenses and other sums incurred or advanced by MAN, "including attorney's fees and disbursements," to collect any sums due from Casaic or to protect the interest of Casaic under the security agreement. The personal guaranty signed by Mr. Connell includes his agreement to pay Casaic's debt due under the note, including "the reasonable expense and cost of collection, including court costs and attorney's fees."

MAN has set forth in its supporting memorandum the relevant governing law, and it has submitted for *in camera* inspection detailed time records reflecting the services performed by its attorneys. The motion was noticed for briefing, but Mr. Connell did not file any opposition. The undersigned has reviewed MAN's submissions and, in light of the nature of the litigation and other relevant factors, finds that the request (which is less than three percent of the amount of the judgment) is reasonable and should be approved by the court. Accordingly,

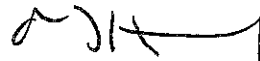
IT IS RECOMMENDED that the **Motion for Attorney's Fees and Expenses (Doc. 31)** be **granted** and that an order be entered reflecting that Richard Glenn Connell is liable to MAN Portfolio Services Inc. for the amount of \$20,373.00 in attorney's fees and \$620.29 for related expenses, plus legal interest thereon as permitted by law.

Objections

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court, unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within 10 days after being served with a copy, shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. See Douglass v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 16th day of June, 2006.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE

cc: Judge Stagg